

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

)	Case No. 11-4319 SC
)	
J.G., by his Guardian Ad Litem,)	<u>ORDER RE: SETTLEMENT</u>
JENNA GONZALES,)	
)	
Plaintiff,)	
v.)	
)	
RICK SIMONS; FURTADO, JASPOVICE)	
& SIMONS; SUTTER BAY HOSPITALS)	
d/b/a SUTTER MEDICAL CENTER OF)	
SANTA ROSE; and DOES 1 through)	
20,)	
)	
Defendants.)	

On March 22, 2013, the Court held a hearing in the above-captioned matter during which, among other things, the Court requested briefing on a recent Supreme Court case, an explanation of Plaintiff's counsel's requested attorneys' fees, and further briefing on the amount of the Medi-Cal lien reimbursable from the settlement amount.

Plaintiff's counsel has substantially and timely complied with all of these requests. However, the Court further asks that Plaintiff's counsel submit a one-page breakdown of the different amounts that will be paid out of the settlement: e.g., of the \$1,025,000 settlement amount, exactly how much will go toward

1 attorneys' fees, costs, annuities, and so forth. This document
2 should be a very simple description of where the money in this
3 settlement will go.

4 Separately, the Court has received Plaintiff's briefs in
5 further support of his petition and for the Court's final
6 determination of the Medi-Cal lien. The Court is cognizant of
7 Plaintiff's concerns that the settlement money be disbursed as
8 quickly as possible and that the amount of the Medi-Cal lien be
9 determined separately, since Plaintiff and the California
10 Department of Health Care Services still dispute what proportion of
11 the settlement may be fairly allocated to past medical expenses.
12 While the Court agrees that the Supreme Court case Arkansas
13 Department of Health and Human Services v. Ahlborn, 547 U.S. 268
14 (2006), and its progeny are the correct cases to apply on this
15 issue, the Court declines to approve the settlement in any fashion
16 until Plaintiff submits a full and final calculation of all money
17 to be paid from the settlement fund, including the Medi-Cal lien.
18 Whether the lien amount is to be determined in negotiations or by
19 the Court after the issue is fully briefed is for the parties to
20 decide.

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22 IT IS SO ORDERED.

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24 Dated: April 9, 2013



25 UNITED STATES DISTRICT JUDGE
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